

**In the Drawings**

Figures 3 and 4 have been amended to include the legend “Prior Art” as suggested by the Examiner. Replacement sheets containing amended Figures 3 and 4 are enclosed for the Examiner’s review.

**REMARKS**

**Petition for Extension of Time Under 37 CFR 1.136(a)**

It is hereby requested that the term to respond to the Examiner's Action of March 28, 2006 be extended two months, from June 28, 2006 to July 28, 2006.

Authorization to charge a Credit Card is given to cover the extension fee. The Commissioner is hereby authorized to charge any additional fees associated with this communication to Deposit Account No. 19-5425.

In the Office Action, the Examiner indicated that claims 3-5 are pending in the application and the Examiner rejected all claims.

**The Objections to the Specification and Drawings**

On page 3 of the Office Action, the Examiner objects to Figures 3 and 4, indicating that they should contain a legend, such as "Prior Art". Applicant has amended Figures 3 and 4 in accordance with the Examiner's suggestion and enclose replacement sheets as required. The Examiner also objected to various portions of the specification. Applicant has amended these portions as suggested by the Examiner.

**The §112 Rejections**

On page 4 of the Office Action, the Examiner has rejected claims 3-5 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner asserts that the previously presented claims are not supported by the language in the specification and, in particular, page 15, lines 15-17. Applicant agrees. Each of the pending

claims has been amended to more accurately recite the novel aspects of the present invention. Specifically, each of the claims has been amended to identify the creation of a virtual archive comprising a stored list of proxies enabling the files identified in the requested file set to be located (see specification, page 14, lines 17-21) and specifically claims the deferred copying process whereby the file content associated with the files in the identified requested file set are stored and this stored content is then returned to a user (see specification, page 15, lines 15-17; see also page 10, line 6 through page 11, line 2). Applicant submits that this overcomes the rejection under 35 U.S.C. §112, first paragraph. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims under 35 U.S.C. §112.

### **The Rejections under 35 U.S.C. §102 and §103**

On page 5 of the Office Action, the Examiner has rejected claims 3 and 4 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,907,703 to Kronenberg et al., and on page 7 of the Office Action, the Examiner has rejected claim 5 under 35 U.S.C. §103(a) as being unpatentable over Kronenberg in view of U.S. Patent No. 6,286,051 to Becker et al.

### **The Present Invention**

The present invention simplifies the tasks that programmers need to carry out to manipulate (e.g., load and save) archives. This is accomplished by providing a common archive interface which is utilized by the programmer to access archive files of varying formats. The common archive interface implements a common set of methods or instructions which the programmer can utilize to

manipulate the files, and which automatically and transparently to the programmer loads and saves the files appropriately without regard as to the format (archive, directory, etc.) in which the files are stored.

Thus, a determination of the file structure is made, a loading strategy is created based on the determined file structure, a virtual archive is created comprising a stored list of proxies enabling the desired files to be located, with the list of proxies being stored in the virtual archive in an archive format, regardless of the format in which the original files were stored. Once all of the proxies are identified, upon the execution of a save function, a deferred copying process is performed on the contents of all of the files identified by the proxies, and the contents are stored and retrieved.

### **The Applicable Law**

The MPEP and case law provide the following definition of anticipation for the purposes of 35 U.S.C. §102:

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP §2131 citing *Verdegaal Bros. v. Union Oil Company of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d 1051, 1053 (Fed. Cir. 1987)

With respect to obviousness, as set forth in the MPEP:

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skilled in the art, to modify the reference or to combine reference teachings.

MPEP 2143

**The Amended Claims are Neither Anticipated by Nor Obvious in view of the Cited Art**

Neither Kronenberg nor Becker teach or suggest the creation of a virtual archive using a loading strategy, with the virtual archive comprising a stored list of proxies enabling the files identified in a requested file set to be located, and then performing a deferred copying process on the contents of all of the files in the file set and storing the contents to an archive on disk, wherein the contents are retrieved by one of the loading strategies in the virtual archive. Without such teaching or suggestion, the present claims are patentable over Kronenberg and Becker, either alone or in combination. Since the claims now expressly recite these features, it is submitted that the claimed invention is patentable over the prior art and is in condition for allowance.

**Conclusion**

The present invention is not taught or suggested by the prior art. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims. An early Notice of Allowance is earnestly solicited.

Included herein is a Petition for extension of time to respond to the Examiner's Action, and authorization to charge the extension fee to a credit card. The Commissioner is hereby

**PATENT**  
**Application No. 09/825,081**

**Docket No.RSW920010074US1**  
**Page 11**

authorized to charge any additional fees associated with this communication to Deposit Account No. 09-0461.

Respectfully submitted

August 28, 2006  
Date

/Mark D. Simpson/  
Mark D. Simpson, Esquire  
Registration No. 32,942

SYNNESTVEDT & LECHNER LLP  
2600 ARAMARK Tower  
1101 Market Street  
Philadelphia, PA 19107

Telephone: (215) 923-4466  
Facsimile: (215) 923-2189

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